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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/034,973  | 12/20/2001  | Andreas Arning       | DE920000058US1      | 2103             |
| 25259   | 7590        | 11/17/2005           | EXAMINER            |                  |
| IBM CORPORATION<br>3039 CORNWALLIS RD.<br>DEPT. T81 / B503, PO BOX 12195<br>REASEARCH TRIANGLE PARK, NC 27709 |             |                      | VAN BRAMER, JOHN W  |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 3622                |                  |

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/034,973 | <b>Applicant(s)</b><br>ARNING, ANDREAS |  |
|                              | <b>Examiner</b><br>John Van Bramer   | <b>Art Unit</b><br>3622                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Europe on December 23, 2001. However, the application was filed in the United States on December 20, 2001 thereby negating any possible benefit of claiming Foreign Priority in the application. Thus the date of invention for this application will be December 20, 2001.
2. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Europe on December 23, 2001. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date. The examiner suggests removing the foreign priority claimed in the oath since the foreign application was filed after the one filed in the United States.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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4. Claims 10-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer readable code is considered functional descriptive material and as such is not patentable subject matter. See MPEP 2106(IV)(B)(1)(a).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lowell (U.S. Patent Number: 6,381,632).

Claim 1: Lowell discloses, in a computing environment, a system for providing a reward to a user of the Internet for desired web site visiting behavior, said system comprising:

- a. Means for loading a first web document to a user's computer, said first web document having a hyperlink to a second web document. (Col 3, line 60 through Col 4, line 3)
- b. Means for monitoring whether said user navigates to said second web document. (Col 4, line 37 through Col 5, line 12)

- c. Means for monitoring whether said user returns to said first document. (Col 4, line 37 through Col 5, line 12)
- d. Means for providing a reward to said user in response to the user returning to the first web document from the second web document. (Col 6, line 65 through Col 7, line 5)

Claim 2: Lowell discloses the system of claim 1, further comprising:

- a. Means for starting a timer in response to the user selecting the hyperlink in the first web document. (Col 6, lines 50-55)
- b. Means for stopping the timer when the user returns to the first web document and determining a timer value. (Col 6, lines 50-55)
- c. Means for comparing the timer value to a first and a second threshold value, wherein the reward is provided to the user only if the timer value is greater than the first threshold value and smaller than the second threshold value. (Col 7, 26-34)

Claim 3: Lowell discloses the system of claim 1, wherein the user accesses the first and second web documents on the user's computer which is a client computer, said system further comprising:

- a. Means for storing a client computer system time in response to the user selecting the hyperlink. (Col 6, lines 50-55)

b. Means for calculating a time value for time spent at the second web document by comparing a current client computer system time to the stored client computer system time when the user returns to the first web document, wherein the reward is provided to the user only if the time value is greater than a first threshold value and smaller than a second threshold value. (Col 6, lines 50-55 and Col 7, lines 26-34)

Claim 4: Lowell discloses the system of claim 3, wherein said means for providing the reward to the user further comprising means for providing positively priced information to the client computer. (Col 6, line 65 through Col 7, line 5; and Col 9, lines 1-5)

Claim 5: Lowell discloses the system of claim 3, wherein the first web document is associated with a server computer and said means for providing the reward further comprises:

a. Means for storing unique user identification data on the client computer. (Col 6, lines 27-30)

b. Means for storing user information required to reward the user on the server computer, the user information being retrievable based on the unique user identification data. (Col 8, lines 54-67)

c. Means for providing the unique user identification data to the server computer in response to the user returning to the first web document for retrieval of the user information to effect the reward. (Col 4, line 37 through Col 5, line 13)

Claim 6: Lowell discloses the system of claim 1, further comprising means for loading program data to the user's computer concurrently with the loading of the first web document, the program data being executable for monitoring the user selecting the hyperlink and returning to the first document and for requesting the reward when the user returns to the first web document. (Col 4, lines 4-27; Col 5, lines 26-36; and Col 7, lines 6-15)

Claim 7: Lowell discloses the system of claim 2, wherein said first threshold value is a time period necessary for a human user to perceive information provided by the second web document. (Col 7, lines 6-15)

Claim 8: Lowell discloses the system according to claim 1, wherein said reward comprises one or more elements from the set of: further information; a music file; a video file; a software product; access to an electronic service; bonus points usable within an e-commerce business; and a cash payment. (Col 6, line 65 through Col 7, line 5)

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Claim 9: Lowell discloses the system according to claim 1, <sup>u</sup>further comprising: means for administrating statistical information after said user returns to said first web document to measure attractiveness of said second web document due to its accessibility through said hyperlink from said first web document. (Col 8, lines 6-21)

Claim 10: Lowell discloses a computer readable code for providing a reward to a user of the Internet for desired web site visiting behavior, said code comprising:

- a. First subprocesses for loading a first web document to a user's computer, said first web document having a hyperlink to a second web document. (Col 3, line 60 through Col 4 line 3)
- b. Second subprocesses for monitoring whether said user navigates to said second web document. (Col 4, line 37 through Col 5, line 12)
- c. Third subprocesses for monitoring whether said user returns to said first document. (Col 4, line 37 through Col 5, line 12)
- d. Fourth subprocesses for providing a reward to said user in response to the user returning to the first web document from the second web document. (Col 6, line 65 through Col 7, line 5)

Claim 11: Lowell discloses a computer readable code according to claim 10, further comprising:

- a. Fifth subprocesses for starting a timer in response to the user selecting the hyperlink in the first web document. (Col 6, lines 50-55)



- b. Sixth subprocesses for stopping the timer when the user returns to the first web document and determining a timer value. (Col 6, lines 50-55)
- c. Seventh subprocesses for comparing the timer value to a first and a second threshold value, wherein the reward is provided to the user only if the timer value is greater than the first threshold value and smaller than the second threshold value. (Col 7, 26-34)

Claim 12: Lowell discloses a computer readable code according to claim 10, wherein the user accesses the first and second web documents on the user's computer which is a client computer, said code farther comprising:

- a. Eighth subprocesses for storing a client computer system time in response to the user selectings the hyperlink. (Col 6, lines 50-55)
- b. Ninth subprocesses for calculating a time value for time spent at the second web document by comparing a current client computer system time to the stored client computer system time when the user returns to the first web document, wherein the reward is provided to the user only if the time value is greater than a first threshold value and smaller than a second threshold value. (Col 6, lines 50-55 and Col 7, lines 26-34)

Claim 13: Lowell discloses a computer readable code according to claim 12, wherein said fourth subprocesses further comprises providing positively priced information to the client computer. (Col 6, line 65 through Col 7, line 5; and Col 9, lines 1-5)

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Claim 14: Lowell discloses a computer readable code according to claim 12, wherein the first web document is associated with a server computer and said fourth subprocesses further comprises:

- a. Tenth subprocesses for storing unique user identification data on the client computer. (Col 6, lines 27-30)
- b. Eleventh subprocesses for storing user information required to reward the user on the server computer, the user information being retrievable based on the unique user identification data. (Col 8, lines 54-67)
- c. Twelfth subprocesses for providing the unique user identification data to the server computer in response to the user returning to the first web document for retrieval of the user information to effect the reward. (Col 4, line 37 through Col 5, line 13)

Claim 15: Lowell discloses a computer readable code according to claim 10, further comprising thirteenth subprocesses for loading program data to the user's computer concurrently with the loading of the first web document, the program data being executable for monitoring the user selecting the hyperlink and returning to the first document and for requesting the reward when the user returns to the first web document. (Col 4, lines 4-27; Col 5, lines 26-36; and Col 7, lines 6-15)

Claim 16: Lowell discloses a computer readable code according to claim 11, wherein said first threshold value is a time period necessary for a human user to perceive information provided by the second web document. (Col 7, lines 6-15)

Claim 17: Lowell discloses a computer readable code according to claim 16, wherein said reward comprises one or more elements from the set of: further information; a music file; a video file; a software product; access to an electronic service; bonus points usable within an e-commerce business; and a cash payment. (Col 6, line 65 through Col 7, line 5)

Claim 18: Lowell discloses a computer readable code according to claim 10, further comprising: fourteenth subprocesses for administering statistical information after said user returns to said first web document to measure attractiveness of said second web document due to its accessibility through said hyperlink from said first web document. (Col 8, lines 6-21)

Claim 19: Lowell discloses a computerized method to provide a reward to a user interacting with a computer network, said method comprising the steps of:

- a. Loading a first document onto a network access device of the user in response to a user request to download the first document, the first document having a hyperlink to a second document. (Col 3, line 60 through Col 4, line 3)
- b. Determining whether said user selects the hyperlink and navigates to said second document. (Col 4, line 37 through Col 5, line 12)

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- c. Determining whether said user returns to said first document. (Col 4, line 37 through Col 5, line 12)
- d. Providing a reward to said user after said user returns to said first document. (Col 6, line 65 through Col 7, line 5)

Claim 20: Lowell disclose the computerized method of claim 19, further comprising the steps of:

- a. If it is determined that the user has returned to the first document, determining an amount of time for the user spent by the user before returning to the first document. (Col 6, lines 50-55, Col 7, lines 6-15 and Col 8, lines 6-21)
- b. Comparing the amount of time to a first threshold value and a second threshold value. (Col 6, lines 50-55, Col 7, lines 6-15 and Col 8, lines 6-21)
- c. Providing the reward only if the amount of time is greater than the first threshold value and smaller than the second threshold value. (Col 7, lines 27-34)

Claim 21: Lowell discloses the computerized method of claim 19, wherein the user accesses at least one server computer associated with the computer network using the network access device, said method further comprising the steps of:

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- a. Storing unique user identification data on the network access device. (Col 6, lines 27-30)
- b. Storing user information required to reward the user by said server computer, the user information being retrievable based on the unique user identification data. (Col 8, lines 54-67)
- c. Providing the unique user identification data to the server computer in response to the user returning to the first document for retrieval of the user information to effect the reward. (Col 4, line 37 through Col 5, line 13)

Claim 22: Lowell discloses the computerized method according to claim 20, wherein said first threshold is a time period necessary for a human user to perceive information provided by the second document. (Col 7, lines 6-15)

Claim 23: Lowell discloses the computerized method according to anyone of claim 19, wherein said reward comprises one or more elements from the set of: further information; a music file; a video file; a software product; access to an electronic service; bonus points usable within an e-commerce business; and a cash payment. (Col 6, line 65 through Col 7, line 5)

Claim 24: Lowell discloses the computerized method according to claim 19, further comprising the step of: administering statistical information after said user returns to said first document to measure attractiveness of said second document due to its accessibility through said hyperlink from said first document. (Col 8, lines 6-21)

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Yacenda (WO 01/70359) which disclose a method of providing online gaming in which users moving from one hyperlinked document to another is tracked and awards are granted based upon user interaction.
- b. Himmel et al. (US Patent Number: 6,321,256) which discloses monitoring client access to documents over a computer network.
- c. Yacenda (US Patent Number: 6,383,078) which discloses an on-line lottery gaming system in which users are rewarded for interacting with banner advertisements.
- d. Steinman et al. (PGPUG US 2003/0105663 A1) which discloses a network based sweepstake system in which cookies are utilized to track users behavior.
- e. David Reilly ("Java Network Programming FAQ", April 2000, [http://www.davidreilly.com/java/java\\_network\\_programming/](http://www.davidreilly.com/java/java_network_programming/)) which discusses utilizing java and the http protocol to create customized cookies for developing persistent state tracking of users across a network that are more advanced than those inherently provided in HTTP 1.1.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571)

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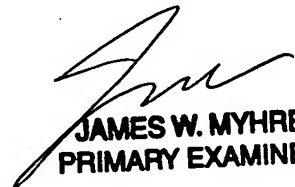
272-8198. The examiner can normally be reached on 9am - 5pm Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*jvb*  
jvb

November 9, 2005

  
**JAMES W. MYHRE**  
**PRIMARY EXAMINER**